

## REMARKS

Applicants respectfully traverse and request reconsideration.

Applicants wish to thank the Examiner for the notice that claims 1-4, 6-11, 13-17, 32, 33 and 36-48 are allowed.

Claims 18, 19, 20-24, 27-30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,683,968 (Appelbaum) in view of U.S. Patent No. 5,673,316 (Auerbach). Claim 18 requires, among other things, a first party cryptographic engine that produces a double key package wherein the double key package includes a decryption key that is used to decrypt encrypted data that has been encrypted through a double application of an asymmetric public key encryption process. The Appelbaum reference teaches an opposite approach and does not appear to contemplate such a first party cryptographic engine. As noted in Appelbaum, Appelbaum appears to describe only a symmetric key process that uses a common FK that is used for all computers. The Appelbaum reference describes its encryption procedure such that E uses Ki and the encryption procedure using the FK key “is the same encryption procedure E using a single fixed key FK for all said computers”. (See for example, column 6). As such, Appelbaum merely teaches that the same encryption procedure is used and the same key is used as a symmetric key encryption process. There is no double application of an asymmetric public key encryption nor receiving data for encryption that produces a double key package as claimed. The office action alleges that Auerbach discloses a cryptographic envelope and that it would have been obvious to use the asymmetric key of Auerbach in the software piracy prevention system of Appelbaum. The office action cites the Background of the Invention of Auerbach. However, again, this section appears to teach a single application of asymmetric encryption. As such, the references alone or in combination do not teach the first

party cryptographic engine in combination with the combiner of claim 18. Accordingly, this claim is believed to be in condition for allowance.

The dependent claims add additional novel and non-obvious subject matter. For example, claim 19 requires that the first cryptographic key engine encrypts a first cryptographic key that is used to encrypt the data, with another encryption key that is associated with a second party. This first key package is then encrypted using a third encryption key associated with a third party to produce the double key package. Again, the use of multiple party keys to generate the double key package as claimed is not taught or suggested in the cited references. Applicants respectfully note that the “allowable subject matter” section of the office action also indicates that the references do not teach encrypting data with a first key and encrypting that key with a second party’s key to produce a key package and the encrypting the key package with the third party’s encryption key to produce an encrypted key package. Accordingly, this claim is also believed to be in condition for allowance.

Claims 23, 24 and 27 are also believed to be allowable for similar reasons in that the cited references do not teach a double key package that is used to decrypt the encrypted data protected through a double application of an asymmetric public key encryption in combination as claimed. Accordingly, these claims are also believed to be in condition for allowance.

Claims 25, 26 and 31 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Appelbaum in view of Auerbach and in further view of Perlman. Applicants respectfully resubmit the remarks made above and as such these claims are also in condition for allowance.

New claim 49 includes subject matter indicated as being allowable in the office action.

Accordingly, Applicants respectfully submit that the claims are in condition for allowance and that a timely Notice of Allowance be issued in this case. The Examiner is invited

to contact the below-listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

Respectfully submitted,

Date: 8/23/04

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